

PLANNING & ZONING COMMISSION STAFF REPORT

PLANNING VARIANCE
PV06-08

CASE SUMMARY

CASE:	Variance request to reduce the front setback requirement from 25 feet to approximately 3 feet
P&Z MEETING DATE:	June 15, 2006
STAFF RECOMMENDATION:	Approval
PREPARED BY:	Stephan Gage

SITE DATA:

OWNER:	Hector Tamez
APPLICANT:	Miriam Tamez
SITE LOCATION:	3137 E. Villa Maria Road
LEGAL DESCRIPTION:	Wilson Heights Subdivision, Block 1, Lot 2
SIZE OF PROPERTY:	0.178 acres
ZONING & LAND USE:	RD-5, Residential District 5000; Residential

ANALYSIS OF ISSUES:

The applicant is seeking this variance in order to legitimize the replacement of a dilapidated carport structure. The previous carport was built in the 1950's before the City adopted zoning and site development regulations. Under our current ordinances, this structure was "grandfathered." However, due to its condition, the previous carport had to be removed. The new carport is approximately the same size (14 feet by 14 feet), and was placed in the same location as the previous carport.

FINDINGS:

The following criteria are outlined in the Ordinance for granting variances:

1. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.*

Staff contends that granting the variance in this particular instance will not establish an undesirable precedent as there are several homes in the area with carport encroachments similar to the one for which the applicant is requesting a variance. Furthermore, Staff believes that the encroachment will not affect the city's ability to make improvements to the street or sidewalk along E. Villa Maria Road, nor have any negative impact on vehicular or pedestrian traffic in the area.

2. *That the variance will not be detrimental to the adjoining property or the health, safety and welfare of the general public.*

Staff contends that the new carport will not be detrimental to adjacent properties. The new structure is approximately the same size and height as the carport that occupied the property for more than five decades and does not create a greater encroachment than the previous structure. Furthermore, this carport is similar to many others in the area and therefore will not alter the aesthetics of the neighborhood.

3. *That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this Chapter.*

Staff contends that the hardships imposed upon the owner in this particular instance are greater than the benefits derived by the general public. If the variance request is denied, the applicant will be required to remove the carport structure. Due to the existence of many similar carport encroachments in this area, strict enforcement of minimum building setbacks would seem to be an unnecessary hardship.

STAFF RECOMMENDATION

Staff recommends approval of the variance.

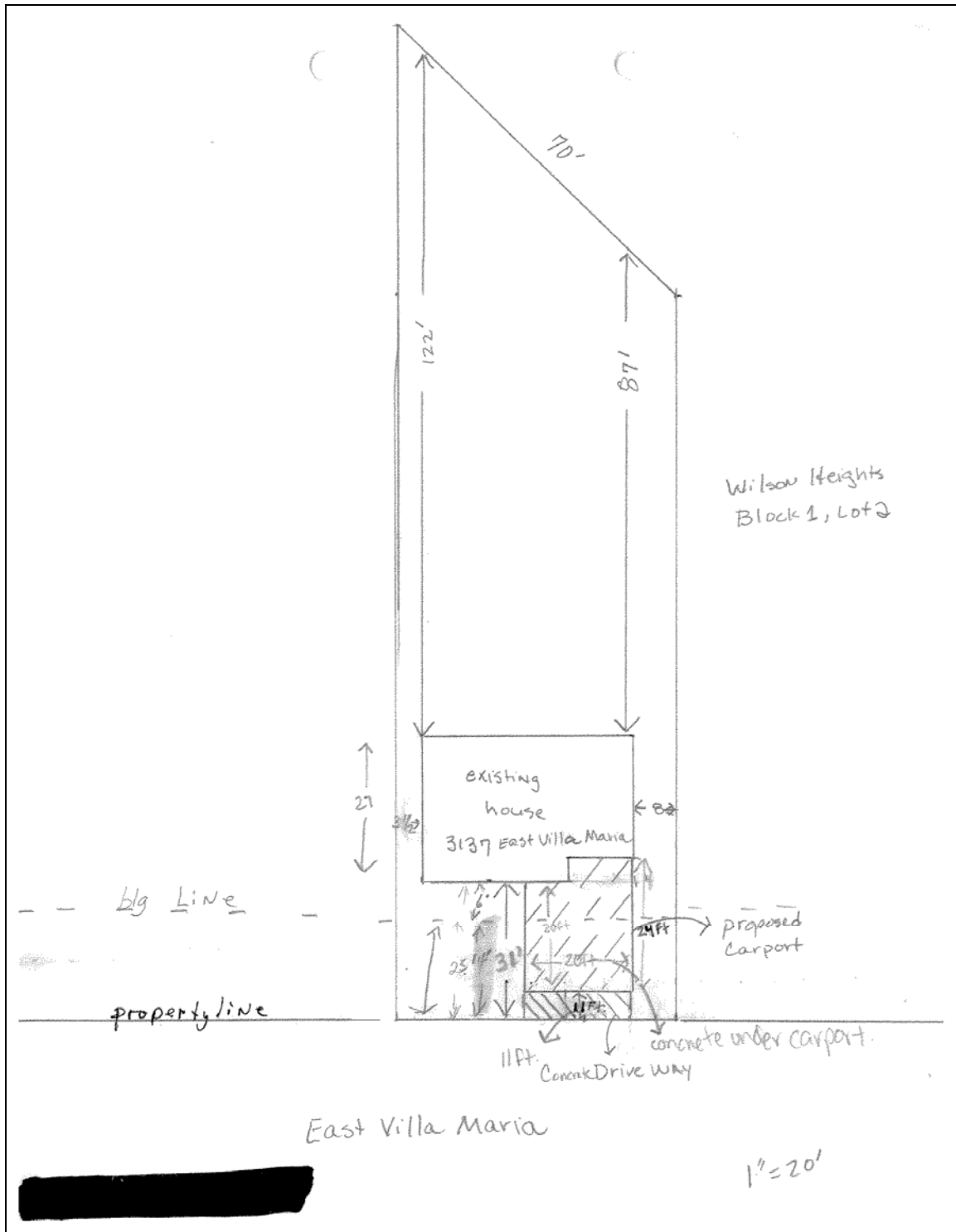
PHOTOS OF SUBJECT SITE



Photograph showing the carport and framing for driveway slab improvement.



Photograph showing a closer view of carport and driveway slab construction from opposite side



Site Plan submitted by Applicant